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Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PIROUZ SEDAGHATY,

Defendant.

CR 05-60008

**DECLARATION OF CHIEF DEPUTY
FEDERAL PUBLIC DEFENDER
STEPHEN R. SADY**

I, Stephen R. Sady, declare:

1. I am the Chief Deputy Federal Public Defender for the District of Oregon, where I have been employed as an attorney since April 1, 1981.

2. On the evening of January 9, 2008, Federal Public Defender Steven T. Wax requested that I determine the appropriate steps to take regarding an item in the office's

possession, which was maintained in locked storage, that may contain classified material related to *United States v. Sedaghaty*, CR 05-60008 HO.

3. On January 10, 2008, I telephoned Court Security Officer Erin Hogarty, who I knew from my representation of Guantánamo detainees. We discussed alternatives and resources for handling material under the Classified Information Protection Act (CIPA). We arranged for me to call back after further research and consultation.

4. I spoke with two attorneys with national reputations as experts in CIPA and read cases and articles on the handling of classified material. I then contacted CSO Hogarty again regarding potential defense invocation of CIPA or otherwise storing the material in a secure manner as well as involvement of the United States Attorney's office. She advised regarding the double-wrapping of the material, which we did, then returned it to locked storage. After further consultation with an expert CIPA attorney, and receiving approval from one of the attorneys representing Mr. Sedaghaty, we went forward with a plan to secure the material, to prevent government access to our material without a court order, and to attempt to negotiate our access to the material.

5. I called CSO Hogarty to obtain her approval for securing the material in our office, contacting the Assistant United States Attorney on the case to formally involve the Court Security Office, and – if necessary – invoking CIPA formally through the court. Shortly thereafter, CSO Hogarty called to advise that, rather than deliver a courier bag from her office, a court security officer from Portland would deliver a lockable bag, which he did. I called Assistant United States Attorney Charles Gorder and left him a message.


6. After obtaining the assistance of Mr. Gorder's legal assistant in reaching him, I received a call from Mr. Gorder and advised him that we needed to discuss an issue regarding potentially classified material. We set up a time late that afternoon to meet; the local Court Security Officer called later to say he would also attend.

7. After alerting Mr. Gorder to our concerns, Mr. Gorder and I agreed to production immunity, to the government making no effort to examine the material without consent or a court order with notice and opportunity to be heard, and to our providing the material to the government for storage. I emphasized that we considered the issue as one of storage of material that belonged to the defense and that it was necessary for the representation of our client. Later in the conversation, Mr. Gorder stated that we had taken the appropriate steps to secure the material.

8. Pursuant to the agreement, the local Court Security Officer came to the Federal Public Defender's office late on January 10, 2008. We removed the material from locked storage. After the Court Security Officer patted down the packages, I then placed the material in the courier bag and locked it, retaining the keys. The local Court Security Officer stated that he would take the courier bag to the FBI's Secure Compartmented Information Facility where he would obtain a receipt from us and communicate instructions that no one was to look in the bag absent our consent or an order of the court.

9. I was advised that, pursuant to further negotiations, Federal Public Defender Steven T. Wax and Chief Investigator William Teesdale, both of whom have security clearances, took possession of the courier bag from the FBI SCIF and transported it on January 31, 2008, for storage at a SCIF in Washington, D.C.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct; that the statements set forth are based on my own knowledge, except where otherwise indicated, and as to those statements I believe them to be true. This declaration was executed on December 9, 2009, in Portland, Oregon.



Stephen R. Sady